

MARIO N. ALIOTO, ESQ. (56433)
LAUREN C. CAPURRO, ESQ. (241151)
TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP
2001 Union Street, Suite 482
San Francisco, CA 94123
Telephone: (415) 563-7200
Facsimile: (415) 346-0679
E-mail: malioto@tatp.com
lauren russell@tatp.com

Lead Counsel for the Indirect-Purchaser Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

) Master File No. 4:07-cv-5944-JST

) MDL No. 1917

This Document Relates to:

ALL INDIRECT PURCHASER ACTIONS

) **DECLARATION OF LAUREN C.**
) **CAPURRO IN SUPPORT OF INDIRECT**
) **PURCHASER PLAINTIFFS' RESPONSE**
) **IN OPPOSITION TO IRICO**
) **DEFENDANTS' MOTION TO**
) **PARTIALLY EXCLUDE THE**
) **PROPOSED EXPERT TESTIMONY OF**
) **DR. JANET NETZ**

) Hearing Date: May 4, 2023

) Time: 2:00 p.m.

) Courtroom: Courtroom 6 – 2nd Floor

) The Honorable Jon S. Tigar

1 I, Lauren C. Capurro, declare as follows:

2 1. I am an attorney duly licensed by the State of California and am admitted to
3 practice before this Court. I am a partner with the law firm Trump, Alioto, Trump & Prescott, LLP,
4 and my firm serves as the Court-appointed Lead Counsel for the Indirect Purchaser Plaintiffs
5 (“IPPs”) in the above-captioned action. I make this Declaration based on my personal knowledge
6 and in support of the IPPs’ Opposition to Irico Defendants’ Motion to Partially Exclude the
7 Proposed Expert Testimony of Dr. Janet Netz.

8 2. On October 1, 2012, IPPs served Irico Defendants with their class certification
9 motion and Dr. Netz’s class certification report via e-mail through Irico Defendants’ former
10 counsel, Pillsbury Winthrop Shaw & Pittman, LLP, and Irico Defendants did not respond.

11 3. On April 15, 2014, IPPs served Dr. Netz’s merits report on Irico Defendants via e-
12 mail through Irico Defendants’ former counsel, Pillsbury Winthrop Shaw & Pittman, LLP, and
13 Irico Defendants did not respond.

14 4. Attached hereto as Exhibit 1 is a true and correct copy of pages 27 and 28 of the
15 transcript of the deposition of Dr. Janet Netz on June 9, 2022.

16
17 I declare under penalty of perjury that the foregoing is true and correct. Executed on
18 March 20, 2023, in San Francisco, California.

19
20 /s/ Lauren C. Capurro

21 Lauren C. Capurro

22 ***Counsel for Indirect Purchaser Plaintiffs***

EXHIBIT 1

In the Matter Of:

In Re - CRT Antitrust Litigation

JANET NETZ

June 09, 2022



12:48:52 1 question. I object to the question as beyond the
12:48:57 2 scope of the deposition.

12:49:00 3 I will direct Dr. Netz to answer the
12:49:03 4 question in terms of what she did and her
12:49:09 5 knowledge and preparation for Exhibit 8552.

12:49:18 6 A. So for this current rebuttal, I examined
12:49:25 7 five specific price floors.

12:49:32 8 For two of them, there were no price data
12:49:34 9 available, no actual price data and therefore no
12:49:38 10 but-for price data.

12:49:43 11 For the remaining three, the correct
12:49:45 12 analysis of the but-for prices compared to the
12:49:47 13 price floor shows that they are above the price
12:49:50 14 floor by a substantial amount.

12:49:54 15 And the third price floor, we do not have
12:49:59 16 enough information in the price data to make a
12:50:03 17 proper comparison to the price floor.

12:50:07 18 So of the five price floors that we are
12:50:11 19 aware of, I have evidence that two of my but-for
12:50:15 20 prices for CPTs made in China by BMCC, not by
12:50:22 21 Irico, that those but-for prices are above the
12:50:25 22 price floor, and there's no evidence that any of
12:50:28 23 my but-for prices are below price floors.

12:50:46 24 I might also add that it is not clear to
12:50:48 25 me that those are the correct price floors, but I

12:50:53 1 have assumed that they are correct price floors
12:50:55 2 for my quantitative analysis.

12:51:06 3 Q. Dr. Netz, on page 10 of your April 2022
12:51:13 4 report, you state that the pricing data analyzed
12:51:15 5 by Ms. Guerin-Calvert in her price floor analysis
12:51:19 6 amounts to only 2 percent of the data underlying
12:51:23 7 your damages model. Correct?

12:51:26 8 MR. GOLDBERG: Would you refer me to the
12:51:28 9 page number, Andrew? I'm sorry.

12:51:29 10 MR. LUCARELLI: Sorry. That's page 10 of
12:51:31 11 15 of the report.

12:51:38 12 MR. GOLDBERG: Take your time to get
12:51:39 13 there, Dr. Netz.

12:51:41 14 A. I've got it.

12:51:45 15 Mr. Lucarelli, it's not that these three
12:51:48 16 comparisons are .2 percent of the data, but they
12:51:52 17 represent only .2 percent of the total revenues in
12:51:59 18 the damages period.

12:52:12 19 Q. Dr. Netz, even if they represent only
12:52:15 20 .2 percent of the damages -- of the total revenues
12:52:21 21 in the damages period, the regulations could have
12:52:26 22 had a much more substantial impact on a Chinese
12:52:28 23 producer like Irico. Right?

12:52:30 24 MR. GOLDBERG: I object to the form of the
12:52:31 25 question.